

Remarks

Applicant thanks the Examiner for indicating that claims 4-8 (presumably 4-7) were allowed. Applicant respectfully requests reconsideration of the present case in view of the above amendments and the following remarks.

Claims 1-20 are currently pending. Claims 1 and 8 have been amended. No new matter has been inserted. Support for the limitation of "said positive and/or said negative electrodes are adjusted by combining lighter weight electrode plates with heavier weight electrode plates to result in an electrode weight closer to the average weight value for a plurality of positive and/or negative electrodes than unadjusted positive and/or negative electrodes" can be found in the specification at least at page 13, line 10, to page 14, line 1 and page 25, lines 2-10. Support for the limitation of "at least two chamfered corners" can be found in the specification at page 14, line 21, to page 15, line 10.

35 U.S.C. § 102

Claims 1-2 and 8 were rejected under 35 U.S.C. § 102(e) as anticipated by Kito et al. (US 6,258,487). Applicant respectfully traverses this rejection.

Claims 1 and 8 require that "each of the electrode plates has at least two chamfered corners." Applicant asserts that Kito does not disclose this feature. Accordingly, Kito does not anticipate the invention of claims 1 or 8. As claim 2 is dependent on claim 1, it is also not anticipated. Applicant respectfully requests that this rejection be withdrawn.

Claims 1-2 and 8 were rejected under 35 U.S.C. § 102(b) as anticipated by Nagaura et al. (US 5,534,369). Applicant respectfully traverses this rejection.

Claims 1 and 8 require that "each of the electrode plates has at least two chamfered corners." Applicant asserts that Nagaura does not disclose this feature. Accordingly, Nagaura does not anticipate the invention of claims 1 or 8. As claim 2 is dependent on claim 1, it is also not anticipated. Applicant respectfully requests that this rejection be withdrawn.

35 U.S.C. § 103

Claims 9-11 were rejected under 35 U.S.C. § 103(a) over Kito et al. or Nagaura et al. in view of Nakai et al. (JP 60-180,058). Applicant respectfully traverses this rejection.

Claim 8 requires that "each of the electrode plates has at least two chamfered corners." Applicant asserts that Kito et al. and Nagaura do not disclose or suggest these features. Accordingly, Kito et al. and Nagaura do not teach or suggest the invention of claim 8.

Claim 8 further requires that "the electrode plates are selected from among groups of plates classified by weight to provide a desired battery capacity" and that "said positive and/or said negative electrodes are adjusted by combining lighter weight electrode plates with heavier weight electrode plates to comprise an electrode weight closer to the average weight value for a plurality of positive and/or negative electrodes than unadjusted positive and/or negative electrodes." The Applicant respectfully asserts that neither Kito et al. nor Nagaura teach or suggest these features.

As described in Kito et al. at column 4, lines 28-37, one electrode is divided into plural pieces without change of its whole length. However, the process of dividing the electrode can cause active materials and pseudo-active materials to be eliminated imprecisely by the impact of the cutoff tool, resulting in a weight value that can range between 1 and 5% between pairs of the electrodes. As described in Nagaura at column 4, lines 65-67, two positive electrodes are prepared from a positive electrode sheet. This process would similarly result in a significant variance in weight value between pairs. This is in sharp contrast to the invention of claim 8 wherein there is less variance in weight between pairs of electrodes because "said positive and/or said negative electrodes are adjusted by combining lighter weight electrode plates with heavier weight electrode plates to comprise an electrode weight closer to the average weight value for a plurality of positive and/or negative electrodes than unadjusted positive and/or negative electrodes."

The Examiner responded to previous arguments stating that the Kito et al. reference will "inherently select electrode plates for their batteries." However, selecting plates is not the same as selecting electrode plates "from among groups of plates classified by weight" as required by

claim 8. The Examiner further stated that "the patentability of a product does not depend on its method of production." However, Applicant points out that "the structure implied by the process steps should be considered when assessing the patentability" of the invention. *See M.P.E.P.* § 2113; *In re Garnero*, 412 F.2d 276, 279, 162 USPQ 221, 223 (C.C.P.A. 1979).

To further distinguish the electrodes of Kito and Nagaura, Applicant directs the Examiner's attention to the Declaration of Isao Matsumoto, provided herewith. The Declaration compares capacities of 50 batteries made with electrodes in accordance with claims 1 and 8 with capacities of 50 batteries made with electrodes representing the disclosure of Kito or Nagaura. The declaration shows that the electrodes of claim 8 are distinct from the electrodes disclosed by Kito or Nagaura. Specifically, the declaration shows that the electrodes of claim 8 have a capacity deviation that is significantly smaller than the capacity deviation of the electrodes according to Kito or Nagaura. As stated in the application at page 6, line 14, this distinction is significant because capacity deviation is a fatal problem in some applications. For at least these reasons, Applicant asserts that Kito and Nagaura do not anticipate or suggest the invention of claim 8.

Nakai does not cure the deficiencies of Kito and Nagaura. Nakai discloses a method for forming a container using an iron can in which the thickness of a cylindrical side section is thinner than the thickness of the bottom. However, Nakai does not disclose or suggest that "each of the electrode plates has at least two chamfered corners" as required by claim 8. Nor does Nakai teach or suggest that "the electrode plates are selected from among groups of plates classified by weight to provide a desired battery capacity" and that "said positive and/or said negative electrodes are adjusted by combining lighter weight electrode plates with heavier weight electrode plates to comprise an electrode weight closer to the average weight value for a plurality of positive and/or negative electrodes than unadjusted positive and/or negative electrodes."

Therefore, the combination of Kito or Nagaura, and Nakai fails to teach or suggest the invention of claim 8. As claims 9-11 are dependent on claim 8, they are also not disclosed or suggested. Applicant respectfully requests that this rejection be withdrawn.

Claim 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over Nagaura et al.,

and further in view of Kaido et al. (EP 814,525). Applicant respectfully traverses this rejection.

Claim 1 requires that "each of the electrode plates has at least two chamfered corners." As stated above, Applicant asserts that Nagaura does not disclose or suggest this feature. Accordingly, Nagaura does not teach or suggest the invention of claim 1.

Claim 1 further requires "the electrode plates are selected from among groups of plates classified by weight to provide a desired battery capacity" and that "said positive and/or said negative electrodes are adjusted by combining lighter weight electrode plates with heavier weight electrode plates to comprise an electrode weight closer to the average weight value for a plurality of positive and/or negative electrodes than unadjusted positive and/or negative electrodes." As discussed above, Applicant asserts that Nagaura does not disclose or suggest these features. Accordingly, Nagaura does not teach or suggest the invention of claim 1.

Kaido does not cure the deficiencies of Nagaura. Kaido discloses a method for manufacturing an electrode plate of a nonaqueous electrolyte battery. However, Kaido does not disclose or suggest that "each of the electrode plates has at least two chamfered corners" as required by claim 1. Nor does Kaido teach or suggest that "the electrode plates are selected from among groups of plates classified by weight to provide a desired battery capacity" and that "said positive and/or said negative electrodes are adjusted by combining lighter weight electrode plates with heavier weight electrode plates to comprise an electrode weight closer to the average weight value for a plurality of positive and/or negative electrodes than unadjusted positive and/or negative electrodes."

Therefore, the combination of Nagaura and Kaido fails to teach or suggest the invention of claim 1. As claim 3 is dependent on claim 1, it is also not disclosed or suggested. Applicant respectfully requests that this rejection be withdrawn.

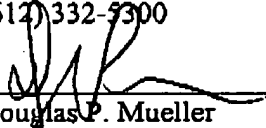
Summary

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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